

**BRECHNER MANAGEMENT COMPANY**

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Before the
 FEDERAL COMMUNICATIONS COMMISSION
 Washington DC 20554

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In the matter of)	
)	
Modification of Rules)	MM Docket No. 93-48
Implementing the Children's)	
Television Act)	

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Comments: Submitted September 11, 1995
 Copies provided for the Commission and Commissioners Hundt, Querio,
 Barrett, Ness and Chong

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I represent the owner/operator of two television stations, WMDT-TV, Salisbury, MD and KTKA-TV, Topeka, KS. Both are in smaller markets and both are affiliated with the ABC Television Network.

I and our local management at each of the stations feel that our stations have paid reasonable attention to the program needs and interests of children, both in terms of "educational" programs and shorter public service messages, and programs and public service announcements that also educate and inform children, but may not be strictly defined, in the classroom sense, as educational. KTKA, in fact, is the only station in the Topeka market that provides alternative programming for children each afternoon on a daily basis, including PSAs and announcements designed to educate and inform children.

We have been attentive to children's programming both before, and after, the Children's Television Act of 1990.

We must take strong exception to three basic premises in the current notice:

First, we don't believe that "educational" programming can be adequately defined, and the proposed definition of "core" educational programming is seriously lacking in clarity. To define educational programming, the proposed definition itself uses the phrase, "education as a significant purpose". The definition itself, then, becomes circular. Also, having to evaluate, if a program's "primary purpose" is not educational, whether educational functions are an "incidental goal" will be difficult if not impossible... for the evaluators, as well as for broadcasters. And who decides what the "educational and informational needs" of children are?

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Second, we don't believe that the "educational" programming, as defined in the notice, will attract significant audiences of children. However good "educational" programs may be, they are useless if not watched. We also believe that short form programs, and 30-second or 1-minute messages, may, in some cases, be more effective at informing/educating children than full-length programming.

And third, we believe that quantitative children's program standards, where there are specifically dictated children's programming requirements that are reviewed and measured by an office in Washington using complex formulas, and where license renewal may be in jeopardy if such specified requirements are not met, could be harmful. It suggests that license renewal may hinge on only one aspect of a licensee's operation, rather than the totality of its service to its community of license -- including services to the adults who view the station.

These kinds of measures could pose particular hardships to smaller market stations like ours, where the total costs for our stations' operations, including the services we provide to communities and viewers, often leaves very little margin. Imposing rigid or excessive educational programming requirements, if the programs are marginally viewed or come along with commercial limitations as well, will seriously impact station revenues, and its ability to serve, overall, its community. Additionally, the cost of adequately internally monitoring such requirements may, for some stations, be financially impossible.

Of particular curiosity is that the Commission is even considering such programming requirements when PBS stations, which fully cover the U.S., and more specifically are in place and operating in our TV markets, routinely carry a host of the type of programming seemingly desired. Additionally, with the coming of the "information superhighway" it's likely more and more program choices of all kinds -- including children's educational material -- will be available on all kinds of screens, TV or computer, (via TV signals, wire, satellite services, CD-ROM, or the local video store) in many forms at all hours of the day.

It seems wasteful and over-reaching to impose new and burdensome requirements on commercial broadcasters, at a time of de-regulatory and cost-cutting efforts in so many other areas of government, and at a time when video material for children is flourishing in a host of arenas -- and actually growing on commercial TV, even without further regulatory initiatives. There is no doubt that the quality of programs provided by networks, syndicators and stations has vastly improved since the 1990 Act. Most stations take our responsibilities quite seriously.

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We believe mandating quantities and specific types of children's programming on commercial television licensees is unnecessary, and possibly counterproductive, and urge the commission to reject such initiatives.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in dark ink, appearing to read "Berl Brechner", with a stylized, flowing script.

Berl Brechner
Vice President

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